THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 16456 OF 2005

DATED: 22-08-2005

Between

Sri Osuri Subbarao, S/o. Satyanarayana,

Aged 65 years, Cultivation, R/o. Annavarappadu,

Peravali (M), West Godavari District.

..... PETITIONER

And

1. The State of A.P. rep., by the Secretary,

Endowments Dept, Govt. of A.P.,

Hyderabad and others.

..... RESPONDENTS

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THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 16456 OF 2005

ORDER:

The Regional Joint Commissioner, Endowments is impleaded as respondent No. 5 in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments appearing on behalf of respondents 1 to 3 and 5 and at their request, the writ petition is disposed of at the stage of admission.

The petitioner herein claiming to be a landless poor person questions the action of the 4th respondent – Temple in seeking to auction the land under his cultivation as arbitrary and illegal. It is stated that the petitioner is a landless poor person and had filed an application before the 3rd respondent to declare him as such. However, the 3rd respondent rejected the petitioner's request to be treated as a landless poor person holding that the land under the cultivation of the petitioner was wetland. The petitioner submits that he preferred an appeal under Rule 4 of the A.P Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands

Rules, 2003 (for short 'the Rules') enclosing therewith the certificate of the Mandal Revenue Officer showing the extent of land under his possession and cultivation as dry land. It is the petitioner's case that despite pendency of his appeal, the 4th respondent was seeking to put the leasehold rights of the petitioner under auction. The petitioner submits that he had earlier filed W.P No. 4974 of 2004 which was dismissed along with a batch of writ petitions.

Learned counsel for the petitioner, Sri T.C. Krishnan placed before me the order of the Division Bench in W.P No. 4974 of 2004 wherein the Division Bench held that if any claims had been made under Rule 3 and had been decided, the said persons had an alternative remedy of filing of appeal under Rule 4. While granting three weeks time to file appeals, the Division Bench of this Court held that status quo shall be maintained for three weeks. The order of the Division Bench is dated 24-06-2005 and the three weeks period expired by 15-07-2005. While the petitioner's appeal is undoubtedly required to be disposed of expeditiously, he cannot seek any order from this Court by way of a subsequent writ petition contrary to the directions passed by the Division Bench in W.P No. 4974 of 2004. The interim order passed by this Court earlier shall stand vacated. Needless to state that the appellate authority (5th respondent herein) is required to hear and dispose of the appeal preferred by the petitioner expeditiously. There shall be a direction to the 5th respondent to consider the petitioner's appeal on merits, after complying with the procedural requirements prescribed under the Rules, and pass appropriate orders thereon within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

22..08..2005

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